

Senate Amendment 5148

PAG LIN

1 1 Amend Senate File 2392 as follows:
1 2 #1. Page 16, line 34, by inserting after the word
1 3 <material.> the following: <The commissioner's
1 4 approval of any of the materials shall not be a
1 5 defense or otherwise preclude a civil action for
1 6 fraud.>
1 7 #2. Page 22, line 16, by inserting after the word
1 8 <duties.> the following: <All examination reports,
1 9 working papers, recorded information, documents, and
1 10 their copies produced by, obtained by, or disclosed to
1 11 the commissioner or any other person in the course of
1 12 an examination made under this chapter, or in the
1 13 course of an analysis or investigation by the
1 14 commissioner of the financial condition or market
1 15 conduct of a licensee shall be privileged and
1 16 confidential in any judicial or administrative
1 17 proceeding except for any of the following:
1 18 (1) An administrative proceeding brought by the
1 19 insurance division under chapter 17A.
1 20 (2) A judicial review proceeding under chapter 17A
1 21 brought by an insurer to whom the records relate.
1 22 (3) An action or proceeding which arises out of
1 23 the criminal provisions of the laws of this state or
1 24 the United States.>
1 25 #3. Page 23, by striking lines 2 through 8.
1 26 #4. Page 26, line 7, by inserting after the word
1 27 <performed> the following: <reasonably and>.
1 28 #5. Page 26, line 14, by inserting after the word
1 29 <performed> the following: <reasonably and>.
1 30 #6. Page 26, by striking lines 19 through 27.
1 31 #7. Page 50, line 1, by striking the words
1 32 <person's furnishing> and inserting the following:
1 33 <person, who acting reasonably and in good faith,
1 34 furnishes>.
1 35 #8. Page 50, line 22, by inserting after the word
1 36 <made> the following: <in bad faith or>.
1 37 #9. Page 50, line 28, by inserting after the words
1 38 <did so> the following: <in bad faith or>.
1 39 #10. By renumbering as necessary.
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1 43 THOMAS RIELLY
1 44 SF 2392.303 82
1 45 da/rj/11165
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